

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PIERCE COUNTY, d/b/a/ PIERCE COUNTY REGIONAL SUPPORT NETWORK, d/b/a/ PUGET SOUND BEHAVIORAL HEALTH,

Plaintiff,

V.

MICHAEL O. LEAVITT, Secretary of the  
United States Department of Health and  
Human Services.

Defendant.

**CASE NO. C04-2308-JLR**

**MINUTE ORDER**

The following minute order is made by the direction of the court, the Honorable James L. Robart:

The court has received and reviewed the parties' briefing on the applicability of the Administrative Procedures Act ("APA") in this case. The Government initiated the supplemental briefing on September 1, 2005 with a "supplemental brief" that it did not note for decision. On September 9 the court noted the briefing for decision on September 23, and directed Plaintiff to respond by September 19. The court notes that these dates are precisely the dates that would have applied under Local Rules W.D. Wash. CR 7(D) had the Government properly noted its supplemental briefing.

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1       Nonetheless, Plaintiff used its responsive brief to request additional briefing to  
2 address the APA claim. The Government succinctly stated its arguments against the APA  
3 claim, and the Plaintiff had every opportunity to respond to those arguments in a  
4 responsive brief. Indeed, it appears that Plaintiff did respond to those arguments in its  
5 responsive brief. It is clear that Plaintiff should not need supplemental briefing.  
6       Nonetheless, the court prefers to allow the parties to be fully heard, even where they have  
7 questionably used their initial opportunity to do so. For that reason, the court will permit  
8 Plaintiff to file a supplemental brief in support of its APA claim no later than Friday,  
9 October 7, 2005. If the Government chooses to respond, it shall do so by Friday, October  
10 14. The court will not permit further briefing from either party. The clerk shall renote  
11 this matter (Dkt. # 16) for October 14, 2005.

13 Filed and entered this 27th day of September, 2005.

BRUCE RIFKIN, Clerk

By s/Mary Duett  
Deputy Clerk

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